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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,781	04/08/2002	David Horne	DYOUN0215US	6334

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EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT PAPER NUMBER

3632

DATE MAILED: 03/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/868,781

Applicant(s)

HORME, DAVID

Examiner

Naschica S Morrison

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2,4-8 and 10-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,4-8 and 10-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is the third Office Action for serial number 09/868,781, An Electrical Cabinet and a Frame thereof, filed on April 8, 2002. Claims 2, 4-8, 10-21 are pending.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/25/03 has been entered.

#### ***Claim Objections***

Claim 17 is objected to because of the following informalities: on line 5, "section" should be --sections-- and on line 7, delete "section" before "so as". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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Claims 16 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Neither the specification or drawings teach the connecting section being curved. Based on the drawings the connecting portions are only taught as being linear and forming a curve with the base and lateral arm sections.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

Claims 13 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 recites the limitation "the latitudinal arms" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the base" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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Claims 2, 4-7, 10-13, and 15-21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,488,543 to Mazura. With regards to claims 2, 4-7, 10-13, 15, 16 (as best understood) and 17-21, Mazura discloses a frame (see attached marked copy of Fig. 1 and colored copy of Fig. 1 provided in First Office action) comprising: a first and second transverse bar members (2, 1) providing opposite ends of the frame, each transverse bar member comprising: first (red) and second (blue) U-shaped members; each U-shaped member including a base member (at 9 generally) forming a portion of a base section (at 8 generally) that is parallel to and spaced a depth from the front of the frame wherein the two base members are aligned and coupled to form the base section; first (A), second (B), third (C), and fourth (D) lateral arm sections each being substantially perpendicular to a corresponding base section (9), wherein the first and second (A, B) arm sections are parallel to each other and the third and fourth (C, D) arm sections are parallel to each other; and angled/curved connecting sections (E) coupling each of the lateral arm sections to the base section so as to truncate a corner formed at an intersection (F) of the arm and base sections; and first, second, third and fourth side bar members (3) extending from an outer edge of one of the lateral arm sections of the first transverse member (2) to an outer edge of an opposing lateral arm section of the second transverse member (1); wherein the frame further includes removable side panels (18) coupled to the side bar members (3), at least one removable door (22), and at least one removable end panel (20).

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mazura in view of U.S. Patent 5,806,945 to Anderson et al. (Anderson). With regards to claim 8, Mazura discloses the frame as applied above, but does not disclose the removable side panels being attached to the side members by hooks. Anderson teaches a frame (10) comprising removable side panels (21) attached to side members (12) by hooks (60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the side panels of Mazura to include hooks because one would have been motivated to permit quick, secure and releasable attachment of the side panels to the frame as taught by Anderson.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mazura. With regards to claim 14, Mazura discloses the frame as applied above, but does not disclose the base members of the first and second U-shaped members being welded together. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the first and second U-shaped members of Mazura to be formed as separate members and to have welded the base members together since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art and further since welds are well known for their use in the fastening art and the selection of this known fastener to affix the U-shaped members to each other would be within the level of ordinary skill in the art.


***Response to Arguments***


Applicant's arguments with respect to claims 2, 4-8, and 10-21 have been considered but are moot in view of the new grounds of rejection applied above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine telephone number for the Technology Center is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 872-9325.

  
Naschica S. Morrison  
Patent Examiner  
Art Unit 3632  
3/11/04

  
LESLIE A. BRAUN  
SUPERVISORY PATENT EXAMINER